

Haywood here read extracts from *Vattel*, page 65, *Paine's Rights of Man* (which he called good authority in *politics*.) part 1. page 42, Albany edition—and a portion of the argument of Judge Wilson in the case of *Kemper v. Hawkins*—cited from Tucker's Appendix to Blackstone's Com. at page 93; he remarked on the extracts—shewed their application—and deduced from them clear proof of his position.] By these, it will be made clear to any fair mind, that *all* rules of fundamental law, whether they be directory or otherwise—whether they apply to the *manner* or *matter* of the authorities conveyed by the rule, make a part of the Constitution of the State. It is the declared will of the *sovereign* authority to the creature of itself—and that *creature* (the Government) is as much bound by the mandate under one name as another. And any law or rule prescribed by competent authority to the legislative branch of the Government, and which it is not in the power of that Legislature to *repeal* or *amend*—call it what you will besides, makes a part of the CONSTITUTION. Moreover, sir, let it not be forgotten, that in order to escape my position you are forced to resort to a *technical adherence to words*—And this will lead you to a gross absurdity. Was not the Convention in 1788 competent to make and promulgate the ordinance referred to? Does not that ordinance *alter* the Constitution of 1776,—10th section—wherein the General Assembly has power to sit at such place as may be *appointed by the preceding Assembly*? Embrace the proposition which is now newly put forth, that this 'ordinance is no part of the Constitution,' and it establishes this absurdity—'the Constitution has been altered by a competent authority—yet the *alteration* is no part of the Constitution.' Then it is altered, and it is not altered. Sir, this is the sophistry of ingenious minds—ingenious men would seek no such retreat.

I know, Mr. Chairman, said Mr. H. that some gentlemen rely much on the expression used in the ordinance, "except by the authority of the people in Convention met for said purpose." Without attempting to derive *help to my* argument from the peculiar language of the ordinance and its *implied* security, it will be sufficient for me to remind the Committee that the "people in Convention met," may do anything they please, except subvert all the principles of republican Government—and the reservation made in this ordinance, used to this purpose, is profitless to my opposers—unless indeed the gentlemen mean to sanction the inference that what *they* call Constitution is unalterable, except it be by *Revolution*—for it must be remembered, that no provision is made for its *change* or its *amendment*. My friends from a particular section, who want *more than a removal of the seat of Government*, must take care how they lend themselves to the maintenance of such a doctrine. It will prove—if it prove any thing—that with